

Mailing Date: NOV 18 2019

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ADMINISTRATIVE LAW JUDGE
FOR THE PENNSYLVANIA LIQUOR CONTROL BOARD

PENNSYLVANIA STATE	:	In re Citation No. 19-0843
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. PA 2019-374505
	:	
v.	:	PLCB LID No. 33314
	:	
WALAT & WALAT, INC, T/A WALAT'S	:	PLCB License No. R-AP-SS-9371
241 LINCOLN HWY.	:	
BOSWELL, PA 15531-2602	:	Somerset County

JUDGE WRIGHT

BLCE COUNSEL: Emily L. Gustave, Esq.

LICENSEE COUNSEL: Myron I. Markovitz, Esq.

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on May 31, 2019. There are two counts in the citation.

The first count alleges that Licensee violated the Liquor Code, 47 P.S. §4-493(12), on April 11, 2019, by failing to keep records on the licensed premises.

The second count alleges that Licensee violated the Liquor Code, 47 P.S. §4-471.1(h), during the period November 6, 2018 through April 11, 2019, by failing to have an alcohol service person complete RAMP server/seller training within six months of being hired.

Licensee has executed a Statement of Waiver, Admission and Authorization in which it admits to the violations charged in the citation and that the Bureau complied with the applicable investigatory and notice requirements of the Liquor Code, authorizes the administrative law judge to enter an adjudication without a hearing based on a summary of facts and prior citation history, and waives the right to appeal this adjudication.

FINDINGS OF FACT:

1. On April 11, 2019, a liquor enforcement officer entered the licensed premises to conduct an inspection. He met with corporate president/manager, Martin Walat, and vice president, Jane Walat. When reviewing the business records, the officer observed that the payroll records were missing. Mrs. Walat said that she had some records in her car and some are at her home. Mrs. Walat obtained the records from her car.

2. After examining them, the officer asked to see the RAMP roster. Mrs. Walat stated that she did not have a roster. The officer learned that three employees were hired after 2016. The three employees never completed the RAMP server/seller training. The officer advised Mrs. Walat that an alcohol service person must complete RAMP server/seller training within six months of being hired.

3. The officer later received an attestation from the PLCB which certified that the three employees hired after 2016 at the licensed premises were not RAMP server/seller trained during the period of November 6, 2018 through April 11, 2019.

CONCLUSIONS OF LAW:

Sustained as charged.

DISCUSSION:

Licensee must keep its business records in accordance with the Liquor Code and its regulations. Further, their alcoholic beverage servers, in accordance with the Liquor Code, must be R.A.M.P. certified within six months of being hired. After a review of the facts, a monetary penalty shall be imposed consistent with that recommended.

PRIOR RECORD:

Licensee has been licensed since October 29, 1993, and has had prior violations, as follows:

In re Citation No. 03-0259. \$1,600.00 fine.

1. Failed to require patrons to vacate after required time.
2. Permitted patrons to possess or remove alcohol after 2:30 a.m.
3. Permitted patrons to enter the premises habitually used for the service of alcohol between 2:00 a.m. and 7:00 a.m. without an extended food permit.
4. Sales between 2:00 a.m. and 7:00 a.m.

In re Citation No. 05-2143. \$1,550.00 fine.

1. Loudspeakers could be heard outside.
2. Sales to a visibly intoxicated person.
3. Sold, furnished and/or gave liquor for consumption off premises.

In re Citation No. 13-1522. \$3,550.00 fine.

1. Sales between 2:00 a.m. and 7:00 a.m.
2. Sales on Sunday between 2:00 a.m. and 11:00 a.m.
3. Failed to require patrons to vacate after required time.
4. Permitted patrons to enter possess or remove alcohol after 2:30 a.m.
5. Smoking in a public place where prohibited.
6. Failed to post signage as required.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. §4-471, prescribes a penalty of license suspension or revocation or a fine in the \$50.00 to \$1,000.00 range, or both, for violations of this type.

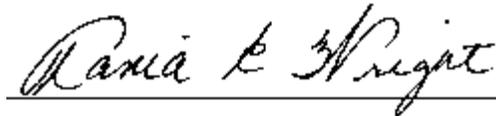
Penalties are assessed as follows:

Count No. 1 - \$200.00 fine.
Count No. 2 - \$250.00 fine.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Walat & Walat, Inc., t/a Walat's, License No. R-AP-SS-9371, shall pay a fine of four hundred fifty dollars (\$450.00) within 20 days of the mailing date of this order. In the event the fine is not paid within 20 days, Licensee's license will be suspended or revoked. Jurisdiction is retained.

Dated this 14TH day of November, 2019.



Tania E. Wright, J.

jb

NOTICE: MOTIONS FOR RECONSIDERATION CANNOT BE ACTED UPON UNLESS THEY ARE IN WRITING AND RECEIVED BY THE OFFICE OF ADMINISTRATIVE LAW JUDGE WITHIN 15 DAYS AFTER THE MAILING DATE OF THIS ORDER, ACCOMPANIED BY A \$25.00 FILING FEE.

Detach Here and Return Stub with Payment – Note Citation Number on Check

The fine must be paid by cashier's check, money order, or a check drawn on the account of an attorney licensed in Pennsylvania. **Personal and business checks are NOT acceptable unless bank certified.** If you are paying by guaranteed check, please make it payable to the Commonwealth of Pennsylvania and mail it, along with any required documentation, to:

PLCB – Office of Administrative Law Judge
Brandywine Plaza
2221 Paxton Church Road
Harrisburg PA 17110-9661

Credit/debit cards may be used: if you have registered with PLCB+ you may pay by Credit/Debit card at www.lcb.pa.gov by following the PLCB+ link. If you have not registered with PLCB+ you may obtain the information on how to register by sending an email message to: RA-LBLICENSINGMOD@pa.gov.